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ENERGY CORPORATION OF AMERICA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RUSSIAN HILL CAPITAL, L.P.,

Case No. 3:15-cv-02554-HSG

Plaintiff,

**STIPULATION AND ORDER
SETTING BRIEFING SCHEDULE ON
DEFENDANT'S MOTION TO
DISMISS**

vs.

**ENERGY CORPORATION OF AMERICA
and DOES 1-10.**

Civil L, R, 7-3

Defendants

Before the Hon. Haywood S. Gilliam, Jr.

RECITALS

WHEREAS, Plaintiff Russian Hill Capital, L.P. (“Russian Hill”) commenced this action by filing its Complaint For: (1) Fraud [and] (2) Misrepresentation of Facts Cal Corp Code § 25501(the “Complaint”) on May 5, 2014 in the Superior Court of the State of California, County of San Francisco:

WHEREAS, Russian Hill served the Complaint on Defendant Energy Corporation of America (“ECA”) on May 14, 2015;

WHEREAS, ECA removed the action to this Court on June 9, 2015, with ECA's filing of its Notice of Removal;

WHEREAS, on June 16, 2015 ECA filed a Motion to Dismiss the Complaint (the

1 “Motion”);

2 WHEREAS, at the time ECA filed the Motion, the first date available on the Court’s
3 calendar for a hearing was August 13, 2015; and, after consultation with counsel to Russian Hill,
4 the Motion was noticed for hearing on the Court’s regular law and motion calendar for August 13,
5 2015; and

6 WHEREAS, the parties wish to modify the briefing schedule normally provided for in
7 Civil L. R. 7-3, on terms that will both accommodate certain commitments of counsel on other
8 matters and still afford the Court 21 days of preparation time before the hearing date;

9 THEREFORE, subject to the Court’s approval, the parties agree as follows:

10 **STIPULATION**

11 1. Russian Hill shall file any papers in opposition to the Motion on or before July 13,
12 2015.

13 2. ECA shall file any reply papers on or before July 23, 2015.

14 Dated: June 18, 2015

VINSON & ELKINS LLP

16 By: /s/ Michael L. Charlson
Michael L. Charlson

17 Attorneys for Defendant
18 ENERGY CORPORATION OF AMERICA

19 KAUFHOLD GASKIN LLP
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23 By: /s/ Steven S. Kaufhold
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24 Attorneys for Plaintiff
25 RUSSIAN HILL CAPITAL, LP

ORDER

Pursuant to stipulation of the parties and good causing appearing, briefing on Defendant Energy Corporation of America's Motion to Dismiss, filed June 16, 2015, shall be as follows:

1. Any opposition papers shall be filed on or before July 13, 2015.
 2. Any reply papers shall be filed on or before July 23, 2015.

Subject to any further order of the Court, the hearing on the motion to dismiss will be held as part of the Court's regular law and motion calendar on August 13, 2015.

SO ORDERED.

Dated: June 18, 2015

Haywood S. Gill Jr.
United States District Judge

1 **ATTESTATION OF ELECTRONIC FILING**

2 I, Michael L. Charlson, am the ECF User whose ID and password are being used to file
3 this Stipulation and Proposed Order Setting Briefing Schedule of Defendant's Motion to
4 Dismiss. I hereby attest that counsel whose e-signatures appear above have concurred with this
5 filing.

6 VINSON & ELKINS LLP

7 By: /s/ Michael L. Charlson
8 Michael L. Charlson

9 Attorneys for Defendant
10 ENERGY CORPORATION OF AMERICA

11 **CERTIFICATE OF SERVICE**

12 The undersigned certifies that on June 18, 2015, a true and correct copy of the foregoing
13 instrument was served upon counsel of record, in accordance with the Federal Rules of Civil
14 Procedure and Civil L.R. 5-1.

15 VINSON & ELKINS LLP

16 By: /s/ Michael L. Charlson
17 Michael L. Charlson

18 Attorneys for Defendant
19 ENERGY CORPORATION OF AMERICA